


# BOARD OF ZONING APPEALS PROCEDURES



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## WHAT IS THE BOARD OF ZONING APPEALS?

The Board of Zoning Appeals (BZA) is a five member board consisting of James City County residents. The BZA hears and considers requests for variances to the James City County Zoning Ordinance and appeals of the Zoning Administrator's decisions.



## WHAT IS A VARIANCE?

A variance is a relaxation to the terms or requirements of the Zoning Ordinance. A variance may be granted when conditions are unique to the property and not a result of the applicant's actions. The applicant must show a hardship that restricts the use of the property in a way that is not generally shared by other properties in the same zoning district and vicinity. Please note that this is not applicable to the lists of generally and specially permitted land uses for each district.



## WHAT IS THE VARIANCE PROCEDURE?

It is strongly recommended that you either submit a conceptual plan or set up a pre-application meeting to review the application process and answer questions.

You must submit an application package which includes:


1. A signed, completed application and review fee.
2. An explanation of why you are requesting the variance and what you propose for the property.
3. A surveyed plat depicting the following items:
  - The exact location of the structure for which the variance is being requested in relation to buildings and roads.
  - All property lines.

Applications must be received at least five weeks prior to the Board of Zoning Appeals (BZA) meeting. Meetings are usually held on the first Thursday of each month.

Prior to the BZA meeting, staff will review your application, make a site inspection and verify the information on your application for compliance with County codes and ordinances. Staff will consider the impact of the proposed variance on surrounding properties and the public welfare.

Staff will incorporate their findings into a report for the BZA. Staff may recommend that the BZA place conditions on your application regarding the location, character, or any other features of your proposal. These conditions attempt to protect the public interest and lessen any potential impacts caused by your proposal. Staff will notify you in advance of the meeting of any recommended conditions. You will receive a copy of the staff report, including any recommendations, in advance of the BZA meeting.

The Zoning Division will:

1. Post a sign on the property indicating that an application has been filed with the BZA for the property. This sign will be posted two weeks before the BZA public hearing
  2. Advertise the public hearing in a local newspaper both two weeks before and one week before the BZA public hearing.
  3. Send written notice to all adjacent property owners at least one week prior to the BZA public hearing.
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## WHAT WILL HAPPEN AT THE BZA MEETING?

Staff will present your request to the BZA and give their recommendations, including any conditions. After staff's presentation, you or your representative will have an opportunity to speak. Then the BZA will hold a public hearing where any citizen can speak about the application. After the public hearing is closed, the BZA will discuss the application and make their determination.

If you are requesting a variance, the BZA will approve, deny, or defer your request. If the BZA does authorize a variance, it may place conditions on that approval. The BZA may condition any variance as it deems necessary to protect the public interest. These conditions may affect the location, character, or any other element of your proposal.

If you are appealing a decision of the Zoning Administrator, the BZA will either uphold or overrule the Zoning Administrator.

After the meeting, Zoning staff will notify you in writing of the BZA's decision, including any conditions placed on your application.

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## CAN I APPEAL THE DECISION OF THE BZA?

Yes. You have 30 days to appeal the decision to the Circuit Court. Call the Clerk of the Circuit court at 757-564-2242 for information.

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## INFORMATION

For more information, or to receive an application and fee schedule, please contact Zoning Enforcement at...

101-A Mounts Bay Rd.

P.O. Box 8784

Williamsburg, VA 23187-8784

P: 757-253-6671

F: 757-253-6822

[zoning@jamescitycountyva.gov](mailto:zoning@jamescitycountyva.gov)